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ACTION MC-02

INFO OCT-01 EUR-12 ISO-00 PM-04 TRSE-00 COME-00 EB-07 L-03

SY-05 CIAE-00 INR-07 NSAE-00 OMB-01 ARA-06 ACDA-05

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R 111724Z FEB 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 8913

SECDEF

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 02200

DEFENSE FOR ISA/DSAA

E.O. 11652: GDS

TAGS: MILI, UK

SUBJ: LAWS GOTERNING ARMS EXPORTS

REF: (A) STATE 28053; (B) LONDON 754; (C) LONDON 13914

1. NO ITEMS OF DEFENSE EQUIPMENT MAY BE EXPORTED FROM THE UK WITHOUT A LICENSE. LEGISLATION COVERING THIS IS STATUTORY INSTRUMENTS, 1970, NO. 1288, CUSTOMS AND EXCISE, THE EXPORT OF GOODS (CONTROL) ORDER. THOSE AIRCRAFT ARMS AND MILITARY EQUIPMENT FOR THE EXPORT OF WHICH A LICENSE MUSTBE OBTAINED ARE LISTED IN GROUP 1 OF THE ORDER (A COPY WILL BE POUCHED).

2. REQUESTS DOR EXPORT LICENSES ARE EXAMINED BY AN INTER-DEPARTMENTAL COMMITTEE (ARMS WORKING PARTY) WHICH INCLUDES REPRESENTATIVES OF THE FCO, TREASURY, MOD AND THE DEPARTMENT OF TRADE. (THE STRATEGIC EXPORT CONTROLS WORKING PARTY, A PARALLEL INTER-MINISTERIAL COMMITTEE, DEALS WITH THE COCOM AGREEMENT AND EXPORTS TO COMMUNIST BLOC COUNTRIEQ.) IT IS THROUGH INTER-DEPARTMENTAL MACHINERY OF THE ABMVE KIND THAT POLITICAL, SECURITY AND OPERATIONAL CLEARANCE IS SOUGHT BEFORE ANY DEFENSE EQUIPMENT IS MADE AVAILABLE FOR SALE ABROAD. IF A POLITICALLY
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SENSITIVE SALE IS CONTEMPLATED, MINISTERIAL GUID-

ANCE IS OBTAINED FOR CASES WHERE POLICY HAS NOT ALREADY BEEN LAID DOWN -- OR IF OFFICIALS ARE UNABLE TO AGREE.

3. AS NOTED REFTELS B AND C, IT IS BRITISH POLICY TO ENCOURAGE THE EXPORT OF DEFENSE EQUIPMENT TO FRIENDLY GOVERNMENTS. EACH CASE IS CONSIDERED "ON ITS MERITS" IN THE LIGHT OF POLITICAL, STRATEGIC, SECURITY AND FINANCIAL CONSIDERATIONS, AS WELL AS BRITISH OBLIGATIONS TO HER ALLIES.

4. SINCE THE BRITISH ARE RELATIVELY PRAGMATIC IN THEIR APPROACH TO APMS EXPORTING AND DO NOT HAVE UNIFORM CRITERIA FOR ARMS SALES, HMG FREQUENTLY PURSUES DIFFERENT POLICIES IN DIFFERENT PARTS OF THE WORLD. FOR EXAMPLE, IN THE MIDDLE EAST THE OVERRIDING BRITISH OBJECTIVE OF WISHING TO FACILITATE AND CONTRIBUTE TO ACHIEVING "A JUST AND LASTING SETTLEMENT" OF THE ARAB-ISRAELI DISPUTE MEANS THAT THEY HAVE A SOMEWHAT RESTRICTIVE ARMS SALES POLICY AND HENCE HMG ONLY APPROVES THE SUPPLY OF ITEMS WHICH 'WOULD NOT ENDANGER THE ACHIEVEMENT OF SUCH A SOLUTION IN THE CASE OF SOUTH AFRICA, BRITAIN HAS REIMPOSED THE UN EMBARGO ON THE SALE OF ARMS; AND SO FAR AS CHILE IS CONCERNED. BRITAIN ANNOUNCED IN MARCH 1974 THAT NO NEW EXPORT LICENSES WOULD BE ISSUED (ALTHOUGH THE UK UNDERTOOK FULFILLMENT OF EXISTING NAVAL CONTRACTS AS WELL AS SUPPLY OF SPARES FOR EQUIPMENT RELATING TO EXISTING CONTRACTS.)

5. WHILE THE DEFENSE SALES ORGANIZATION IN THE MOD HAS MAIN RESPONSIBILITY FOR PROMOTING THE EXPORT OF MILITARY EQUIPMENT, THE FCO WORKS VERY CLOSELY WITH THE MOD ON ALL

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ASPECTS OF ARMS SALES. CERTAINLY, FROM THE VIEWPOINT OF ESTABLISHING POLITICAL CRITERIA AND OF DEFINING POLICY VARIATIONS FOR ARMS EXPORTS, THE FCO IS THE POLICY FOCAL POINT WITHIN HMG, AND HAS PARTICULAR RESPONSIBILITY FOR DIVING GUIDANCE: (A) ON THE COUNTRIES TO WHICH EQUIPMENT MAY BE SOLD; AND (B) ON WHAT EQUIPMENT MAY BE SOLD "IN LIGHT OF PREVAILING POLITICAL AND MILITARY CONSIDERATIONS"

6. ON THE MATTER OF END-USE CONTROL AND OF TRANSFER TO THIRD COUNTRIES, BRITISH POLICY AND PRACTICE IS LOOSER AND IS NOTHING LIKE AS RESTRICTIVE AS OUR OWN. BRITISH PRACTICE DOES NOT NORMALLY REQUIRE USE OF "END-USE CERTIFICATES" THOUGH ON A CASE-BY-CASE BASIS HMG WILL INSERT A PROHIBITION INTO A SALES AGREEMENT ON THIRD COUNTRY TRANSFERS. IT IS PROBABLY SAFE TO SAY THAT BY AND LARGE BRITAIN DOES NOT OVERLY CONCERN HERSELF WITH THE RESALE OR TRANSFER OF HER EXPORTED ARMS. THE BRITISH BELIEVE THAT RESTRICTING ARMS SALES TO GOVERNMENTS (OR THEIR ACCREDITED AGENTS) AND BY SELLING AT LEVELS WHICH ONLY FULFILL "GENUINE MILITARY REQUIREMENTS", THEY HAVE ENOUGH EFFECTIVE CONTROL SINCE BRITAIN, NORMALLY, DOES NOT PLACE RESTRICTIONS ON THE SUBSEQUENT RESALE OF USED BRITISH EQUIPMENT.

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